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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,612	07/12/2001	Theodore J. Bowers	47004.000097	1294
21967 7590 01/10/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER PYZOCHA, MICHAEL J	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 01/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/902,612

Applicant(s)

BOWERS ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: 5. Applicant's arguments filed 12/21/2006 have been fully considered but they are not persuasive. Applicant argues that Black and Carden fail to disclose examining the user's financial information to present resources to the user; Black and Carden fail to disclose a host system (or even a partner system) being "a financial service provider system with which a user of the host system has one or more financial accounts," "identifying said user's financial account data," "providing discriminated partner system resources to said user...selected based at least upon...said user's financial account data," and "wherein providing discriminated partner system resources comprises creating discriminated partner system resources identified with said host system comprising: identifying graphical information used by said host system, replicating said graphical information, classifying said host system, identifying non- conflicting additional partner system resources that do not conflict with said host system's classification, and incorporating said replicated graphical information and said non-conflicting additional partner system resources into a standard partner system resource to create a discriminated partner system resource"; there is no or little reason to discriminate the partner resource relative to the host resources; Carden fails to disclose a single login session; there is no motivation because Examiner relied upon hindsight; and Black and Carden fail to disclose incentive reward information.

With respect to Applicant's argument that Black and Carden fail to disclose examining the user's financial information to present resources to the user, this limitation is taught in columns 7 and 8 where a user has an account, which allows a user to perform financial transactions based on the information in the user account. Therefore the user account, which contains financial information, must be examined in order to process the transaction.

With respect to Applicant's argument that Black and Carden fail to disclose a host system (or even a partner system) being "a financial service provider system with which a user of the host system has one or more financial accounts," "identifying said user's financial account data," "providing discriminated partner system resources to said user...selected based at least upon...said user's financial account data," and "wherein providing discriminated partner system resources comprises creating discriminated partner system resources identified with said host system comprising: identifying graphical information used by said host system, replicating said graphical information, classifying said host system, identifying non- conflicting additional partner system resources that do not conflict with said host system's classification, and incorporating said replicated graphical information and said non-conflicting additional partner system resources into a standard partner system resource to create a discriminated partner system resource" these arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. All of these limitations have been shown to have been previously disclosed as given in the rejection above and will not be repeated.

With respect to Applicant's argument that there is no or little reason to discriminate the partner resource relative to the host resources, Applicant gives reasons why one might want to discriminate between the resources, these reasons are not claimed limitations and are therefore not given patentable weight. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Black (in columns 9 and 10) teaches the discriminating between the two resources and therefore the limitation, as claimed, is disclosed by Black.

With respect to Applicant's argument that Carden fails to disclose a single login session, however this is specifically what Carden teaches and when the combination is made, the combined references of Black and Carden teach a single login session for providing discriminated partner system resources to a user of a host system.

With respect to Applicant's argument that there is no motivation because Examiner relied upon hindsight, Carden specifically discloses that the single sign-on system "solutions assist users by reducing the number of passwords the must remember, making systems easier to use". Therefore, Carden specifically teaches one of ordinary skill in the art why one would want to implement a SSO in a password protected multi system situation such as that of Black. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

With respect to Applicant's argument that Black and Carden fail to disclose incentive reward information, official notice was taken with respect to this limitation as provided above..